

DETAILED FORM PTO-90 COMMUNICATION: NON-RESPONSIVE REPLY

1. Two previous Office Communications noted that the 7/11/2007 "Reply-1" and the 11/7/2007 "Reply-2" were not fully responsive under 37 CFR § 1.111 (b) to the 3/5/2007 Office Action.

The last Office Communication expressly noted that:

Since this is the second specific communication about this matter, an improper or defective reply to this communication will result in a non-responsive reply communication without an extension of time. See 37 CFR § 1.111 (b). (Boldened in the original for emphasis)

2. The 2/8/2008 "Reply-3" fails on its face to be fully responsive under 37 CFR § 1.111 (b).

37 CFR § 1.111 (b) explicitly notes that "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of" 37 CFR § 1.111 (b).

Reply-3 does not address how independent claims 1 and 4 (now amended to include claims 2 and 5 respectively) distinguish over the rejections of claims 2 and 5, which rejections are detailed in the 3/5/3007 Office Action.

Specifically, the 3/5/3007 Office Action expressly rejects claims 2 and 5, now cancelled, as being obvious over a combination of prior art including U.S. Pat. No. 5,636,236 to "Tada," wherein the 3/5 Office Action shows Tada to disclose and motivate using the feature recited in claims 2 and 5. Reply-3 however does not mention Tada, let alone argue why it fails to disclose and motivate the feature in claims 2 and 5 now forming part of claims 1 and 4.

Reply-3 therefore is not bona fide responsive under 37 CFR § 1.111 (b).

3. **Accordingly, the shortened statutory period for reply to the 3/5/2007 Office Action continues to run from 2/7/2008, which is the mailing date of the last Office Communication.**

Extension of this time period may be granted under 37 CFR § 1.136(a).

CONCLUSION OF PTO-90 COMMUNICATION

4. Any inquiry concerning this communication or earlier communications from Examiner should be directed to Hrayr A. Sayadian at (571) 272-7779. Examiner Sayadian can normally be reached Monday through Friday, 7:30 am – 4:00 pm ET.

If attempts to reach Examiner Sayadian by telephone are unsuccessful, his supervisor, SPE Kenneth Parker, can be reached at (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available only through Private PAIR. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. The Electronic Business Center (EBC) at 866-217-9197 (toll-free) may answer any question on how to access the Private PAIR system.

/HRAYR A. SAYADIAN/

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